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Letter dated 24 September 2002 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 11 September 2002, from Dr. Mustafa Osman Ismail, Minister for Foreign Affairs of the Republic of the Sudan, addressed to Mr. Sergio de Mello, the United Nations High Commissioner for Human Rights (see annex).

I would kindly request that the enclosed letter be circulated as a document of the fifty-seventh session of the General Assembly, under agenda item 109 (c).

(*Signed*) Elfatih **Erwa**
Permanent Representative

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Annex to the letter dated 24 September 2002 from the Permanent Representative of the Sudan addressed to the Secretary-General

[Original: Arabic]

I am writing to you in connection with the statements that were made by Mr. Gerhart R. Baum, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan, at the press conference he gave in London and that were published for him by the newspaper *Al-Sharq al-Awsat* in its issue of 20 August 2002.

We remark at the outset that the Special Rapporteur went beyond his mandate under the resolutions of the Commission on Human Rights and the General Assembly of the United Nations in holding meetings with representatives of the so-called "British lobby for the Sudan" and that this aligns Mr. Baum with the allegations and opinions promoted by this group.

The statements made by the Special Rapporteur at his press conference and those that were published in *Al-Sharq al-Awsat* contained many manifestations of open hostility to the Government of the Sudan and to the efforts being made for a peaceful settlement to the conflict going on in southern Sudan, as well as exaggerations, charges and allegations for which there is no evidence. I should like in this context to make specific reference to some of the transgressions committed:

(a) The mandate given to the Special Rapporteur requires him to submit his reports to the Commission on Human Rights and the United Nations General Assembly as the only two official forums of Member States that have the authority to discuss those reports. This mandate does not authorize him to engage in media activities in order to promote the reports.

(b) These statements coincided with the first signs of peace, and it had become more probable following the conclusion of the framework agreement on an understanding between the Government of the Sudan and the Sudanese People's Liberation Movement in Machakos, Kenya, on 20 July 2002 under the auspices of the Intergovernmental Authority on Development and its partners.

(c) It is astonishing that Mr. Baum should cast doubt on the success of the peace negotiations in Machakos. In doing so he violates the constructive spirit of the statement made by Mr. Kofi A. Annan, the Secretary-General, at the time of his visit to the Sudan last July, when he expressed optimism for the success of the negotiations. This is to say nothing of the fact that they were warmly welcomed in many international circles and, most prominently, by the United Nations Security Council.

(d) Mr. Baum made his statements before the visit he was supposed to make to the Sudan to acquaint himself with recent developments in the human rights situation and to update the information he was to present to the Third Committee of the General Assembly at its fifty-seventh session. In doing this, the Special Rapporteur delivered a negative judgement, in advance, on all of the issues to be covered in the report he is to submit to the General Assembly next November without having acquired a preliminary understanding of the state of affairs with respect to human rights in the Sudan.

(e) The Government of the Sudan condemns and rejects in the strongest terms the reply given by the Special Rapporteur to a question from a journalist at the press conference to the effect that he, the Special Rapporteur, views the Islamic Shariah as in breach of human rights and considers that it might lead to violations of the international human rights instruments. The Government of the Sudan regards such talk by an international official as indicating disrespect for the divinely inspired religions and for the diversity of creeds among peoples. Such talk is also openly offensive, and it unequivocally requires clarification.

In the light of the foregoing, the Government of the Sudan is fully convinced that attitudes such as that reflected in the statements of the Special Rapporteur may hinder the achievement of the worthy goals selected by the international community as a way to support and strengthen human rights. Special rapporteurs are, indeed, supposed to ensure that all the opportunities required for the successful achievement of these goals are available.

Accordingly, the Government of the Sudan looks to you to call the attention of the Special Rapporteur to the offences he has committed and to urge him to endeavour to perform his functions within the limits of the mandate given to him by the Commission on Human Rights and the General Assembly. Mr. Baum will receive full cooperation and support from the Government of the Sudan so that he can perform his duties better and in a proper manner while avoiding a confrontational approach that does nothing to achieve the desired goals.

(*Signed*) Mustafa Osman **Ismail**
Minister for Foreign Affairs